IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 6611 of 2007(K)

PETITIONER:

S.DAS, S/O.DAMODARAN PANICKER,
SUDRA HOUSE, 6TH MAIL, MELMURI,
POZHUDANA, S.WAYANAD.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS:

---

1. MANAGING DIRECTOR,
THE KOZHIKODE MINI INDUSTRIAL ESTATE,
CO-OPERATIVE SOCIETY LTD., KOZHIKODE.

2. DIRECTOR, DIRECTORATE OF INDUSTRIES
AND COMMERCE, TRIVANDRUM.

3. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, INDUSTRIES DEPARTMENT,
TRIVANDRUM.

4. GENERAL MANAGER, DISTRICT INDUSTRIAL
CENTRAL, KOZHIKODE.

5. A.K.SAMEER, KAIRA MANZIL,
KAIVATTOM, THALASSERY.

BY ADV. SRI.K.A.SALIL NARAYANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1: TRUE COPY OF THE AWARD PASSED BY THE 4TH RESPONDENT DATED 14.8.1990.

EXT.P2: TRUE COPY OF THE EXECUTION PETITIN WHICH IS NUMBERED AS E.P.5/92 ARE 1/90 ON THE FILE OF SUB COURT, KOZHIKODE.

EXT.P3: TRUE COPY OF THE EXECUTION PETITIN FILED BY THE 1ST RESPONDENT AS E.P.NO.267/2002 ARC 1/90 BEFORE THE SUB COURT, KOZHIKODE.

EXTP4: TRUE COPY OF THE SCHEDULE PRODUCED ALONG WITH EXHIBIT-P3.

EXT.P5: TRUE COPY OF THE NOTICE PASTED IN FRONT OF THE SHED OF THE PETITIONER.

EXT.P6: TRUE COPY OF THE REPRESENTATIONS SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P7: TRUE COPY OF THE REPRESENTATIONS SUBMITTED BY THE PETITIONER BEFORE THE CHIEF MINISTER.

EXT.P8: TRUE COPY OF THE RULE FOR ALLOTMENT OF LAND AND SHED ON HIRE PURCHASE BASIS IN DISTRICT MINI INDUSTRIAL ESTATE CO-OPERATIVE SOCIETIES PRODUCED ALONG WITH THE COUNTER IN W.P.(C)nO.20501/2006.

EXT.P9: A COPY OF THE HIRE PURCHASE AGREEMENT EXECUTED BY THE PETITIONER WITH THE 1ST RESPONDENT.

EXT.P10: TRUE COPY OF THE JUDGMENT IN W.P.(C)NO.20501/2006 DATED 9.11.06.

EXT.P11: TRUE COPY OF THE JUDGMENT IN W.P.(C)NO.1643/2007 DATED 17.1.2007.

EXT.P12: TRUE COPY OF THE ORDER NO.34682/B1/2006/ID DATED 6.1.2007 OF THE 3RD RESPONDENT.

/TRUE COPY/

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO.6611 OF 2007

DATED THIS THE 19th DAY OF MARCH, 2007

JUDGMENT

Sri. P.K. Vijyamohan takes notice on behalf of the 1st respondent. Learned Government Pleader takes notice on behalf of respondents 2 to 4. Sri. Salil Narayanan K.A. takes notice on behalf of the 5th respondent. Service is complete.

2. The challenge in this writ petition is against Ext.P12 order of the Government, which was passed as per directions of this Court in Ext.P10 judgment. Ext.P12 reads thus:

> "I am directed to invite your attention to the references cited and to inform you that the requests contained in Ext.P7 have been examined in detail. The Government regret to inform you that your requests cannot be granted."

3. In Ext.P10 judgment this Court has specifically directed the Government to consider the representation filed by the petitioner and pass appropriate orders thereon as early as possible, at any rate within 60 days from the date of receipt of a copy of that judgment, after affording the petitioner and other interested parties an opportunity of being heard. The Court also directed that while considering Ext.P7,

the 3rd respondent shall also consider the contentions raised in this writ petition. From Ext.P12, I am unable to perceive any such consideration of the contentions of the petitioner raised in the writ petition disposed of by Ext.P10 judgment. That being so, I am satisfied that Ext.P12 has been passed not only against Ext.P10 judgment but also in violation of the principles of natural justice in so far as it is not a speaking order.

4. In the above circumstances, Ext.P12 order is quashed and the 3rd respondent is directed to pass fresh orders in accordance with Ext.P10 judgment as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment. I make it clear that the Government shall deal with each contention of the petitioner, and passed a reasoned order stating as to why the petitioner's contention cannot be accepted or has to be accepted, as the case may be.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd